

The Highland Licensing Committee

Licensing of Houses in Multiple Occupation

Supplementary Guidance Note on Refusal of Licence Applications on Grounds of Overprovision and on Preliminary Refusal of Licence Applications

Overprovision

At its meeting on 6 November 2012, the Highland Licensing Committee agreed that there is currently no evidential basis for adoption of a policy under which it might refuse HMO licence applications on grounds of overprovision under section 131A of the Housing (Scotland) Act 2006. This decision was taken having regard to an assessment by The Highland Council's Housing and Property Services of the number and capacity of licensed HMO in the various areas of Highland, the need for housing accommodation in those areas and the extent to which HMO accommodation is required to meet that need. These are the matters to which the Council must have regard in determining questions of overprovision under the 2006 Act. The assessment indicated that there is an increasing need for all types of HMO accommodation across all areas of Highland as contributing to the supply of affordable housing.

The HMO needs assessment and the Committee's position in relation to this matter will be reviewed on a five-yearly basis. In the interim, the Committee will not exercise its discretionary power under section 131A of the Act to refuse HMO licence applications on grounds of overprovision as, in light of the 2012 HMO needs assessment, there is no evidential basis on which the Committee could do so.

Preliminary refusal

The Council has a discretionary power to refuse to consider HMO licence applications for proposals which require, and do not obtain, planning permission. In the interest of ensuring a coordinated approach with planning policies which seek to control particular concentrations of HMO in any particular locality, the Committee also agreed on 6 November 2012 that consideration of HMO licence applications for proposals which require, and do not obtain, planning permission would be refused under the preliminary refusal power conferred by section 129A.

The Council's planning policy in relation to HMO is contained in Policy 33 of the Highland wide Local Development Plan which can be accessed at <http://www.highland.gov.uk/yourenvironment/planning/developmentplans/HighlandWideLocalDevelopmentPlan.htm> Further guidelines on current control of concentrations of HMO through the planning system are set out in the Council's Supplementary Guidance: Houses in Multiple Occupation which was statutorily adopted in March 2013 and can be accessed at <http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/hmo.htm>